

REMARKS

Claims 1-17 are pending in the application. Applicants gratefully acknowledge the allowance of Claim 17. It is also gratefully acknowledged that Claims 3-5, 8-10 and 12-16 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has maintained his rejections of Claims 6 and 7 under 35 U.S.C. §102(e) as being anticipated by Abe (U.S. Patent 6,154,454). The Examiner has maintained his rejections of Claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Umeda et al. (U.S. Patent 5,581,547) in view of Dent (U.S. Patent 5,430,760). The Examiner has maintained his rejections of Claim 11 under 35 U.S.C. §103(a) as being unpatentable over Halton et al. (U.S. Patent 6,621,803) in view of Ahmadvand (U.S. Patent 6,477,670).

Please cancel Claims 3, 8 and 12 without prejudice.

Regarding the rejection of Claim 6 under §102(e), the Examiner states that Abe discloses all of the elements of the claim. Abe discloses a radio communication device and mobile communication system. Claim 6 has been amended to incorporate all of the elements of objected to Claim 8. Withdrawal of the rejection to Claim 6 is respectfully requested.

Regarding the rejection of Claim 1 under §103(a), the Examiner states that Umeda et al. in view of Dent discloses all of the elements of Claim 1. Umeda et al. discloses a random access communication method by CDMA and mobile station equipment using the same; Dent discloses random access in mobile radio telephone systems. Claim 1 has been amended to incorporate all of the elements of objected to Claim 3. Withdrawal of the rejection to Claim 1 is respectfully requested.

Regarding the rejection of Claim 11 under §103(a), the Examiner states that Halton et al. in view of Ahmadvand discloses all of the elements of Claim 11. Halton et al. discloses a random access channel prioritization scheme; Ahmadvand discloses a data link layer quality of service for UMTS. Claim 11 has been amended to incorporate all of the elements of objected to Claim 12.

Withdrawal of the rejection to Claim 11 is respectfully requested.

Independent Claims 1, 6 and 11 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 7, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 7 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-7, 9-11 and 14-17, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/MJM/dr